

TEXAS BOARD OF ARCHITECTURAL EXAMINERS
Minutes of November 16, 2021 Board Meeting
Centennial Building, 505 E. Huntland Dr., Ste. 350
Austin, TX 78752
10:00 a.m. until completion of business

AGENDA ITEMS	DESCRIPTIONS																
1A. Call to Order	Ms. Dockery called the meeting to order at 10:00 a.m. She explained that Mr. Trevino was running late so she asked Ms. Hildebrand to call the roll.																
1B. Roll Call	<p>Ms. Hildebrand called the roll.</p> <p><u>Present Board Members</u></p> <table> <tr> <td>Debra Dockery</td><td>Chair, Architect Member</td></tr> <tr> <td>Rosa Salazar</td><td>Vice-Chair, Registered Interior Designer</td></tr> <tr> <td>Jennifer Walker</td><td>Architect Member</td></tr> <tr> <td>Robert (Bob) Wetmore</td><td>Architect Member</td></tr> <tr> <td>Joyce Smith</td><td>Public Member</td></tr> <tr> <td>Darren James</td><td>Architect Member</td></tr> <tr> <td>Tim Bargainer</td><td>Landscape Architect Member</td></tr> <tr> <td>Lauren Taylor</td><td>Public Member</td></tr> </table>	Debra Dockery	Chair, Architect Member	Rosa Salazar	Vice-Chair, Registered Interior Designer	Jennifer Walker	Architect Member	Robert (Bob) Wetmore	Architect Member	Joyce Smith	Public Member	Darren James	Architect Member	Tim Bargainer	Landscape Architect Member	Lauren Taylor	Public Member
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1C. Excused and Unexcused absences	Fernando Trevino, unexcused absence																
1D. Determination of a Quorum	A quorum was present.																
1E. Recognition of Guests	Ms. Dockery acknowledged the following members of TBAE staff and guests in the audience: Julie Hildebrand, Executive Director; Lance Brenton, General Counsel; Julio Martinez, Security Analyst; Matthew Le, Web Developer/Programmer; Dale Dornfeld, IT Manager; and Julie Davis, Office of the Governor – Regulatory Compliance Division.																
1F. Chair's Opening Remarks	<p>Ms. Dockery welcomed the audience and the Board to the quarterly meeting of the Texas Board of Architectural Examiners.</p> <p>Mr. Dockery stated that she had recently watched a segment on <i>60 Minutes</i> that reported on MASS Design Group out of Boston, MA. MASS stands for Model of Architecture Serving Society. She said MASS is a non-profit collaboration of architects, landscape architects, interior designers, furniture makers, contractors, and so on. Their guiding principle is architecture for health. She said one of the firm's focuses was on natural ventilation. They design a lot of buildings in Africa, specifically Rwanda, helping to combat infectious disease in clinics and hospitals. Ms. Dockery</p>																

	<p>noted that it was so often the case that architecture enters the news only after a tragedy has occurred. In light of that, it was nice to see an example of the positive impact of architecture – how healthy buildings can improve society. She said it was a very interesting program and encouraged the Board to watch it.</p>
1G. Public Comments	<p>Ms. Dockery asked if there was anyone who wanted to address the Board. No comments were received.</p>
2. Introduction of New Board Member Lauren Taylor, Public Member	<p>Ms. Dockery then welcomed Lauren Taylor to the Board. She invited Ms. Taylor to introduce herself to her fellow Board members.</p> <p>Ms. Taylor stated that she was from the North Texas area (Denton, Lewisville, Dallas area) and had just graduated and received her Masters' Degree in Rehabilitation Counseling from the University of North Texas. She said she works full time at the University of North Texas with students who are neuro divergent, including students with autism, anxiety, ADHD, helping them to navigate college. She said her passion for architecture came from studying in the Rehabilitation Studies program where she learned about universal design. She stated she had made it one of her main missions to advocate for accessible architecture. She thanked the Board for allowing her attend virtually as it is very difficult for her to travel due to her disability.</p> <p>The Board members introduced themselves to Ms. Taylor and welcomed her to the Board.</p>
3. Approval of August 26, 2021 Board Meeting Minutes	<p>A MOTION WAS MADE AND SECONDED (Smith/James) TO APPROVE THE AUGUST 26, 2021 BOARD MEETING MINUTES. THE MOTION PASSED UNANIMOUSLY.</p>
4. Executive Director's Report	<p>Ms. Dockery invited Ms. Hildebrand to deliver the Executive Director's report.</p> <p>Ms. Hildebrand began by stating that Christine Brister, the HR representative, had retired from the agency. She explained that Ms. Brister had provided dedicated service to TBAE and other agencies for many years and deserved her retirement. She noted that it was a big loss for the agency, but Ms. Best was proactive in finding a replacement. Recently, Sabrina Salazar was hired and began working at the beginning of October. Ms. Hildebrand shared information about Ms. Salazar's biography and work history. Ms. Hildebrand stated she was very grateful to have her and thanked Ms. Best as well for her hard work in hiring and training Ms. Salazar.</p>
A. Summary of Executive Accomplishments	<p>Ms. Hildebrand updated the Board on current state of teleworking. She stated that the pilot program was working out nicely. She said the</p>

<p>B. Operating Budget/Scholarship Fund: Presentation on 4th Quarter Fiscal Year 2021 Expenditures/Revenue</p> <p>C. Report on Annual Financial Report (AFR)</p>	<p>Governor had requested that all agencies be functioning at 100% which TBAE had been maintaining and working well.</p> <p>Ms. Hildebrand presented agency accomplishments as discussed in her report on pages 16-17 of the Board materials. She referred the Board to those materials as a supplement to her verbal presentation.</p> <p>Ms. Hildebrand referred the Board to the budget on page 18 and gave details on specifics of the budget and explanations regarding the differences in the adopted budget for 2022.</p> <p>Ms. Hildebrand discussed the scholarship fund balance and referred the Board to page 19 of the Board materials as a supplement to her verbal presentation. She reported on staff's efforts to implement the Board's directive to increase the public's awareness and use of the scholarship fund. She suggested that the agency should observe how those efforts impact the fund balance after a year, and if accruals continue to outpace distributions, the Board could consider decreasing the scholarship fee that is charged to architect registrants.</p> <p>Ms. Dockery asked whether the agency could increase the amount of the scholarship awards. Ms. Hildebrand responded that the scholarship amount is capped at \$500 by law.</p> <p>Ms. Dockery also suggested the agency could distribute scholarships to applicants even in the event of a failed examination, because those individuals may be economically disadvantaged and could become discouraged after the cost of an exam failure. She said awarding scholarships in such instances could result in increased resiliency for those applicants.</p> <p>Mr. James shared his observation that the outreach seemed to be working. He said he had heard people mention the scholarships more often in the architect community over the past few months.</p> <p>Ms. Salazar suggested that the agency could contact the local AIA chapters to assist with promoting the scholarship program. Mr. Wetmore suggested the same with respect to architectural programs in higher education.</p> <p>Ms. Hildebrand asked whether there were any questions regarding budgetary matters.</p> <p>Mr. James noted that the Accountancy Board had signage in front of the building in which both agencies rent space. He asked whether TBAE could do the same, and whether there would be a cost associated with that.</p> <p>Ms. Hildebrand stated that she would check on it.</p>
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<p>D. Strategic Plan FY 2023-2027</p>	<p>Ms. Hildebrand discussed the information on agency performance trends, as contained in her report on pages 20-21 of the Board materials. She referred the Board to those materials as a supplement to her verbal presentation.</p> <p>Ms. Hildebrand began her presentation on the Strategic Plan. She stated she was looking at the strategic plan partly in the context of the agency's upcoming sunset review. As part of a sunset review, each agency is audited. Therefore, she was expecting the agency to be audited sometime around the end of the fiscal year. To prepare for that audit, she had asked the managers to review their policies and procedures and make sure that these documents were properly updated. She had also asked that measures be taken to ensure that data entry and performance measures were accurate.</p> <p>Ms. Smith asked whether the audit was financial only, or whether it looked at other agency processes.</p> <p>Ms. Hildebrand confirmed that the audit looked holistically at agency processes, with a focus on ensuring the agency was following its policies and procedures and that agency business was properly recorded in accurate records.</p> <p>Ms. Hildebrand proceeded to address the expected timeline for preparation of the strategic plan, as identified on page 39 of the Board materials. She referred the Board to those materials as a supplement to her verbal presentation.</p> <p>Ms. Hildebrand also asked for input from the Board regarding the preferred process for this iteration of strategic planning. She asked whether the Board would prefer to have in-depth Board participation at the beginning of the process, including a meeting devoted specifically to the strategic plan, or whether the Board would prefer to have staff develop a strategic plan, with written input from the Board and then bring a completed plan to the Board for approval.</p> <p>Ms. Dockery stated that, with all the upheaval in the past few years, as well as the presence of many new Board members, it would be a good idea to hold a Board workshop devoted to the strategic plan. Mr. Bargainer and Ms. Smith agreed.</p> <p>Ms. Hildebrand said she would schedule a strategic plan workshop and would follow up with requests for written input in advance of the workshop.</p>
<p>E. Remote Board Meeting Attendance</p>	<p>Next, Ms. Hildebrand presented draft policy language, located on page 40 of the Board materials, regarding remote Board meeting attendance by Board members. Ms. Hildebrand discussed state law requirements</p>

	<p>regarding meetings by video teleconference and the contents of the proposed policy. She also asked for Board member input on the proposed policy.</p> <p>The Board members discussed the proposed policy, and after discussion agreed that the policy was acceptable, except that the policy should be edited to require a quorum of the Board to be physically present at the meeting location, so as to help ensure that a meeting could continue even in the event of technological disruptions or recusal by the chair or other officers.</p> <p>Ms. Hildebrand said she would make that change and implement the policy in the Board training manual.</p>
<p>5. Trend Analysis Presentation on Agency Performance and Operations</p>	<p>Ms. Dockery directed the Board to item 5 of the agenda – Trend Analysis.</p> <p>Ms. Hildebrand referred the Board to page 41 of the Board materials as a supplement to her verbal presentation. She presented key data from that report and invited questions from the Board.</p> <p>One point specifically addressed by Ms. Hildebrand was administrative penalty assessments versus collections. She noted that, usually, Board assessments were higher than collections due to the fact that some Respondents do not pay. On this point, Ms. Hildebrand briefly discussed the Board’s collections practices, including referring cases to the Office of the Attorney General (OAG). In 2021, a Respondent in a case paid an outstanding penalty because a lien had been placed on a piece of his property by the OAG. Ms. Hildebrand noted that this collection action was responsible in part for the fact that 2021 resulted in higher collections than assessments.</p> <p>Mr. Bargainer asked how long, on average, it took for Respondents to pay administrative penalties after they had been assessed.</p> <p>Mr. Brenton said that, due to a small minority of Respondents who do not pay, or take a long time to pay, the average was likely misleadingly skewed. As a better indicator, he surmised that the median payment date was probably about 30 days, as the majority of Respondent pay their penalties on or before the due date, which is usually 30 days.</p> <p>Ms. Smith noted that the proceeds from administrative penalties go to the State of Texas, and not TBAE. She asked what the Board’s responsibilities were to pay for collections activities.</p>

	<p>Mr. Brenton responded that, due to an interesting wrinkle in TBAE's self-directed, independent status (SDSI), TBAE actually had to pay the state, in the form of the OAG, to collect the state's own money. That is because SDSI agencies directly reimburse the OAG for legal services rendered. He noted that, when the OAG collects attorney's fees that have been ordered by a judge in a TBAE collections action, those attorney's fees are offset against any current bills the OAG sends to TBAE, because TBAE previously paid the OAG for the original legal services that were the subject of attorney's fees reimbursements.</p> <p>Ms. Dockery noted that the exam candidates did not decline recently even though the testing centers were closed for six (6) months, which she found to be encouraging. She also noted that the inactive registrants were declining, which she perceived as evidence of Texas being a good place for employment. Finally, regarding generational change, Ms. Dockery noted that while emeritus architects continued to increase, this trend was commensurate with the overall number of architects, so it didn't appear to show a large exodus to retirement. However, anecdotally, she has had many conversations with her peer group, who are retirement age, and the pandemic and associated issues have convinced many to retire earlier than they otherwise might have intended. She suggested it would be useful to have an article in an upcoming newsletter regarding emeritus status and what that means for practice.</p> <p>Mr. Wetmore agreed that emeritus status was a subject of interest and an article in the newsletter would be appreciated.</p>
<p>6. Board Member Learning and Envisioning Information Technology/Information Security Divisions</p>	<p>Ms. Dockery directed to the Board to item number 6 – Board Member Learning and Envisioning on IT. Ms. Hildebrand stated that Mr. Dornfeld would be giving a power point presentation.</p> <p>Mr. Dornfeld introduced himself and Mr. Le. He provided information to the Board regarding the responsibilities of their Information Technology department. He referred the Board to pages 50-60 of the Board materials as a supplement to his verbal presentation. He presented information from that report and invited questions from the Board.</p> <p>Ms. Hildebrand then asked Mr. Martinez to address the Board about his role as the information security officer.</p> <p>Mr. Martinez shared his background with the Board. He then provided information to the Board regarding the responsibilities of the agency's Department of Information Security. He referred the Board to pages 61-77 of the Board materials, which were written materials that summarized his verbal presentation. He presented information from that report and invited questions from the Board.</p>

	<p>The Board members agreed that both presentations were excellent and they expressed their gratitude for the information on the agency's IT and IS infrastructure.</p>
	<p>The Board took a break at 11:45 a.m. and reconvened at 11:55 a.m.</p>
<p>7. Committee Appointments</p>	<p>Ms. Dockery announced the following appointments to the committees:</p> <p>Ms. Dockery stated that she preferred to have a public member on the Rules Committee and had asked Ms. Taylor to participate, but she declined stating that she was not yet comfortable accepting the position due to her recent appointment. Therefore, Ms. Dockery asked Ms. Smith if she would serve and explained that she did not believe there would be much work for the committee as the rules had been reviewed during the previous year.</p> <p>Ms. Smith accepted the assignment to be on the Rules Committee.</p> <p><u>Appointments to the Rules Committee</u> Tim Bargainer – Chair Rosa Salazar Darren James Joyce Smith</p> <p>Ms. Dockery stated that since it was not a legislative year that she would not appoint new members to the Legislative Committee. She stated that it would remain the same as last year with the exception of Mr. Bearden, who was no longer serving as a board member.</p> <p><u>Remaining Appointments to the Legislative Committee</u> Bob Wetmore – Chair Rosa Salazar</p> <p><u>Appointments to the Budget Committee</u> Rosa Salazar – Chair Joyce Smith Jennifer Walker</p> <p>Ms. Dockery stated that she was reinstating the Executive Director's Review Committee with the charge to review the current form and format that the Board uses for the Executive Director's annual review and advise the Board if this is still an appropriate form to use in its evaluation process.</p> <p><u>Executive Director's Review Committee</u> Joyce Smith – Chair Bob Wetmore Fernando Trevino</p>

	Ms. Dockery thanked the Board members for agreeing to serve on the various committees.
8. Consideration of Proposed Amendments for Adoption 3.191	<p>Mr. Brenton referred to the Board materials for this agenda item beginning on page 80. He summarized those materials, provided staff's recommendation, and invited any questions or comments from the Board.</p> <p>A MOTION WAS MADE AND SECONDED (James/Bargainer) TO APPROVE THE PROPOSED AMENDMENTS TO 22 TEX. ADMIN. CODE § 3.191 FOR FINAL ADOPTION. THE MOTION PASSED UNANIMOUSLY.</p>
9. Enforcement Cases Review and possibly adopt ED's recommendation in the following cases 8A. Registrant/Non- Registrant Cases	<p>Ms. Dockery asked Mr. Brenton to present the following disciplinary cases.</p> <p>DePasquale, Peter John (#166-21A) Mr. Brenton directed the Board to the written materials for this case beginning on page 93 and provided a summary of the case as well as staff's recommendation.</p> <p>A MOTION WAS MADE AND SECONDED (Walker/Bargainer) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTY OF \$500 AS SET FORTH IN THE REPORT AND NOTICE OF VIOLATION DATED JULY 30, 2021. THE MOTION PASSED UNANIMOUSLY.</p> <p>McKinney, James (#043-20N) Mr. Brenton directed the Board to the written materials for this case beginning on page 94 and provided a summary of the case as well as staff's recommendation.</p> <p>A MOTION WAS MADE AND SECONDED (Smith/James) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTY OF \$4,000 AND REQUIRES THE RESPONDENT TO CEASE AND DESIST FROM VIOLATING OCCUPATIONS CODE CHAPTER 1051 AS SET FORTH IN THE REPORT AND NOTICE OF VIOLATION DATED SEPTEMBER 22, 2021.</p> <p>Ms. Smith asked whether Respondent was an architect in any other jurisdiction. Mr. Brenton stated that he was not an architect in any other jurisdiction, did not otherwise engage in any design work, and was a tradesman.</p> <p>THE MOTION PASSED UNANIMOUSLY.</p>

<p>8B. Continuing Education Cases</p>	<p>Mr. James asked whether the Board had seen a similar case. Mr. Brenton and Ms. Hildebrand both stated that occasionally the Board saw a case where a non-registrant had created a seal, but not necessarily where a Respondent had used such a seal on plans for their own home.</p> <p>Shin, Chong Ho (#178-20A) Mr. Brenton directed the Board to the written materials for this case beginning on page 95 and provided a summary of the case as well as staff's recommendation.</p> <p>A MOTION WAS MADE AND SECONDED (Bargainer/Wetmore) TO ENTER AN ORDER WHICH ADOPTS THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ADMINISTRATIVE PENALTY OF \$4,000, AS SET FORTH IN THE REPORT AND NOTICE OF VIOLATION DATED JULY 29, 2021. THE MOTION PASSED UNANIMOUSLY.</p> <p>Mr. Brenton directed the Board to the written materials for the continuing education cases beginning on page 96 of the Board materials and asked whether there were any recusals. There were none. He explained that it was staff's recommendation for the Board to enter an order in each case that adopts the findings of fact, conclusions of law, and recommended administrative penalty, as set forth in the respective Notice of Violation for the following cases:</p> <p>Continuing Education Cases: Peck, Erick Karl (#207-21A) Toldan, Joe Clark (#183-21A)</p> <p>A MOTION WAS MADE AND SECONDED (Walker/Smith) TO ACCEPT STAFF'S RECOMMENDATIONS IN THE ABOVE-REFERENCED CONTINUING EDUCATION CASES. THE MOTION PASSED UNANIMOUSLY.</p>
<p>10. Reports on National Regulatory Boards and Board Member and Staff Committee Service</p>	<p>Ms. Dockery directed the Board to item number 10. She asked whether anyone wanted to report any news to the Board.</p> <p>Ms. Smith stated that she served on the Professional Conduct Committee for NCARB, which met monthly. In addition to reviewing disciplinary cases, she said the committee was reviewing language on the NCARB certification guidelines, with no decision yet on recommendations.</p> <p>Ms. Dockery stated that she was continuing her service on the Responsible Charge Task Force for NCARB and they had formulated a resolution that would revise the definition of responsible charge in NCARB's model law. She said the resolution would have to be finalized in December, to then go to the Board and eventually the regions in March. She said discussions were ongoing, and that she looked forward to being able to report on the outcome. She said she developed four hypotheticals to help illustrate the relevant issues, which NCARB developed into a survey.</p>

	<p>Ms. Hildebrand shared her experiences on the Incidental Practice Committee with NCARB and said they had come to the general conclusion that there would be overlapping practice amongst the professions and everyone should continue to practice in their area and not venture outside of that realm. She expected the topic would move on to a broader task force in the future.</p> <p>Ms. Hildebrand also discussed her service on the Leadership Advisory Council Committee for CLARB, which considers nominations for committee work. On that topic, she said her committee was looking for nominations for a landscape architect with experience in international work, because a committee would be looking at providing testing to international candidates. She also said CLARB was looking for nominations for someone who was newer to the profession.</p> <p>Ms. Hildebrand also noted that FARB would be holding a FARB Forum in Fort Worth, which would be directed toward executive directors and Board members. She said was helping to plan for that forum.</p>
<p>11. Report on Conferences and Meetings A. 2021 LRGV-AIA Conference – Sep 10-12 B. CLARB Annual Meeting -- Sep 22-24 C. FARB: 2021 FARB Regulatory Law Seminar – Sep. 30-Oct. 3 D. TxA Annual Conference & Expo – Oct 7-9 E. CIDQ Annual Delegates Meeting – Nov 12-13</p>	<p>Ms. Dockery reported on the Texas Society of Architects Conference, which was held in San Antonio in October. Ms. Dockery was happy to report that Mr. James received the prestigious Award for Equitable Practice in Architecture at the conference. Ms. Dockery congratulated him on this honor and said it was well-deserved based on all that he has done to promote equity and inclusion. Additionally, Ms. Dockery reported that Mr. Stamps had made an excellent presentation to a good turnout. She also reported the convocation for new architects was a highlight of the conference.</p> <p>Ms. Smith attended the CIDQ Annual Meeting and was impressed with presentations on evidence-based design promoting health and wellness. Ms. Salazar also attended and stated that legislative and regulatory issues related to interior design was a continuing topic of interest. She noted that North Carolina had recently passed an interior designer registration law.</p> <p>Mr. Bargainer stated that this was his first CLARB Annual Meeting and enjoyed the discussions about the changes to uniform standards. Ms. Hildebrand explained that the conference was held in person and she did a joint presentation with the New York Executive Director regarding licensing issues.</p>
<p>12. Board Member Comments/Future Agenda Items</p>	<p>Ms. Hildebrand asked for the Board’s thoughts about the hybrid Board Meeting. Mr. Wetmore said he thought it was the wave of the future. Ms. Salazar thought it worked out fine and she did not feel as if she missed anything. She appreciated the opportunity to participate virtually.</p>

	Ms. Dockery asked Ms. Taylor if she enjoyed her first meeting. Ms. Taylor said it was all new information to her but that she felt she understood more as the meeting progressed.
13. Upcoming Board Meetings	Ms. Dockery discussed the dates for the upcoming Board meetings for 2022 as follows: Thursday, February 24, 2022, Regular Board Meeting and Strategic Planning Workshop Thursday, May 26, 2022 Thursday, August 25, 2022 Thursday, November 17, 2022
14. Adjournment	THE MEETING ADJOURNED AT 12:25 p.m.

APPROVED BY THE BOARD:


 DEBRA J. DOCKERY, FAIA
 Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS